

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

David Tyrone Hill, : Case No. 1:15-cv-762
: Plaintiff,
: vs.
Ohio Department of Rehabilitation and :
Corrections, et al, :
Defendants. :

ORDER

Plaintiff, an inmate at the Southern Ohio Correctional Facility in Lucasville, Ohio, filed a pro se complaint against the Ohio Department of Rehabilitation and Correction, and several of its officers and correctional staff, alleging civil rights claims. The Magistrate Judge recommended that Plaintiff's in forma pauperis application be denied pursuant to 28 U.S.C. §1915(g). (See Doc. 10) Plaintiff filed three previous lawsuits that were dismissed as frivolous and/or for failure to state a claim for relief, which are cited in the Magistrate Judge's Report. In such circumstances, the statute requires the Court to deny an inmate's request for in forma pauperis status in a subsequent lawsuit, absent clear evidence that the inmate is facing an imminent danger of injury or harm.

Plaintiff objected (Doc. 10), but this Court overruled his objections and adopted the Magistrate Judge's Report and Recommendation. (Doc. 16) The Court found that Plaintiff's objections lacked merit, and he failed to allege facts demonstrating that he faced any imminent danger of serious physical injury due to his incarceration. The Court ordered Plaintiff to pay the full case filing fee within 30 days of the Order, or no later than April 25, 2016, and specifically cautioned Plaintiff that his failure to pay the

filings fee would result in the dismissal of his complaint.

Plaintiff failed to respond to the Court's order or pay the required filing fee. The Magistrate Judge has therefore recommended that Plaintiff's complaint be dismissed for failure to prosecute, and that all of his pending motions be denied as moot. (Doc. 17) Plaintiff's objections to that Report and Recommendation were due 14 days after service which occurred on April 28, 2016, and his time for filing objections has expired.

Therefore, based on the entire record and for good cause shown, Plaintiff's complaint and all claims alleged therein are dismissed without prejudice for failure to prosecute. Plaintiff's motions to amend his complaint (Docs. 5 and 7) are denied as moot.

The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal of this Order would not be taken in good faith, and denies Hill leave to appeal in forma pauperis. See McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997).

SO ORDERED.

THIS CASE IS CLOSED.

DATED: May 31, 2016

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court